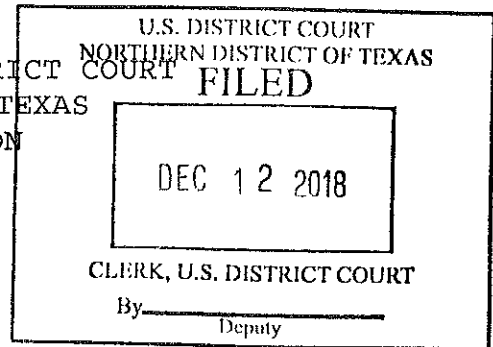


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



JACQUELINE CRAIG, INDIVIDUALLY §
AND ON BEHALF OF MINORS J.H., §
K.H., AND A.C., ET AL., §

Plaintiffs, §

VS. §

CITY OF FORT WORTH, TEXAS, §
ET AL., §

Defendants. §

NO. 4:17-CV-1020-A

ORDER

Came on for consideration the motion of defendant William Martin ("Martin") for summary judgment. The court, having considered the motion, the response of plaintiffs, Jacqueline Craig ("Craig"), J.H. and K.H., minor children through their mother, Craig, as next friend, and Brea Hymond ("Hymond"), the reply, the record, and applicable authorities, finds that the motion should be denied. It may well be that a jury would determine that Martin did not use excessive force in the arrests he made on the date in question; however, based on the record, including the video evidence, the court is unable to determine as a matter of law that Martin is entitled to qualified immunity. As the Fifth Circuit has recently held, where the video evidence is too uncertain to discount the plaintiff's version of what transpired, the matter should not be determined on motion for

summary judgment. Darden v. City of Fort Worth, 880 F.3d 722, 730 (5th Cir. 2018).

The court ORDERS that Martin's motion for summary judgment be, and is hereby, denied.

SIGNED December 12, 2018.



JOHN MCBRYDE
United States District Judge